IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 35253 of 2004(V)

PETITIONER:

MAKKAR, AGED 64 YEARS,
S/O. KUNHUMUHAMMED, CHALIL VEEDU,
OPP: AZHEEKODE LIGHT HOUSE ROAD, KODUNGALLUR.

BY ADV. SRI.K.A. JALEEL
SRI.T.T.MUHAMOOD

RESPONDENTS:
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1. **ABDUL JALEEL, S/O. MOIDU,**
   POOVATHUMPARAMBU, AZHEEKODE VILLAGE,
   KODUNGALLUR TALUK.

2. **ERIYAD GRAMA PANCHAYATH,**
   REPRESENTED BY THE SECRETARY, ERIYAD GRAMA
   PANCHAYATH OFFICE, ERIYAD, KODUNGALLUR.

3. **THE KERALA STATE POLLUTION CONTROL BOARD.**
   THIRUVANANTHAPURAM, REPRESENTED BY ITS MEMBER,
   SECRETARY.

4. **ENVIRONMENTAL ENGINEER,**
   KERALA STATE POLLUTION CONTROL BOARD,
   DISTRICT OFFICE, `LAKSHMI', SAKTHI NAGAR,
   POONKUNNAM, THRISSUR.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,SC,POLU.C. For R3&R4
SRI.S.RAMESH BABU for R1
SRI.K.I.JOSEPH for R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE REPRESENTATION SUBMITTED BY THE LOCAL RESIDENTS TO THE AUTHORITIES ON 2/09/2004.

EXT.P2: COPY OF THE LETTER NO.PCB/TSR/CW/190/2001 DTD. 4/11/04 ISSUED BY THE 4TH RESPONDENT.

EXT.P3: COPY OF THE REPORT OF THE WATER ANALYST, REGIONAL ANALYTICAL LABORATORY, ERNAKULAM, KAKKANAD, REPORT NO.WA(P) 408/04-05 DTD. 18/09/2004.

EXT.P4: COPY OF LETTER DTD. 20/09/2004 ISSUED BY SUPERINTENDENT, P.H.C., MADAVANA TO THE PETITIONER'S SON.

1ST RESPONDENT'S EXHIBITS:

EXT.R1(A): COPY OF THE CONSENT UNDER WATER (PREVENTION & CONTROL OF POLLUTION)ACT.

EXT.R1(B): COPY OF THE CONSENT TO OPERATE INDUSTRIAL PLANT.

EXT.R1(C): COPY OF THE RENEWAL APPLICATION.

EXT.R1(D): COPY OF THE SKETCH OF THE ETP.

EXT.R1(E): COPY OF THE LETTER DTD. 10/12/2004.

EXT.R1(F): COPY OF ORDER NO.D4-151/2000 DTD. 5/12/2000.

EXT.R1(G): COPY OF THE LETTER FROM THE PANCHAYAT DTD. 2/04/2001.

EXT.R1(H): COPY OF THE LICENSE FROM THE PANCHAYAT DTD. 25/02/2005.

EXT.R1(I): COPY OF THE CERTIFICATE OF APPROVAL FROM THE EXPORT INSPECTION COUNCIL OF INDIA UNDER MINISTRY OF COMMERCIAL INDUSTRY GOVERNMENT OF INDIA.

EXT.R1(J): COPY OF THE TEST REPORTS OF WATER AND ICE SAMPLES AS INSPECTED BY THE CENTRAL INSTITUTE OF FISHERIES TECHNOLOGY DTD. 17/03/2004.

EXT.R1(K): COPY OF THE RESULT ALONG WITH THE COVERING LETTER DTD. 16/01/2006.

EXT.R1(L): COPY OF THE LETTER DTD. 30/01/2006.

EXT.R1(M): COPY OF THE LETTER DTD. 13/02/2006.

/TRUE COPY/

KSS

KURIAN JOSEPH, J.

W.P. (C) NO. 35253 OF 2004

Dated this the 6th day of June, 2007.

J U D G M E N T

This writ petition is filed mainly with the following prayer.

> "ii) issue a writ of mandamus or any other order or direction directing the respondents to take effective steps and measures to abate the nuisance, pollution including contamination of well water".

2. In case the petitioner has still any grievances left, he may approach the fourth respondent, in which case, appropriate action in accordance with law with notice to the petitioner and respondents 1 and 2 shall be taken, expeditiously.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp